

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00998-APM**

NATIONAL LAW CENTER ON HOMELESSNESS &
POVERTY v. UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT

Assigned to: Judge Amit P. Mehta

Cause: 05:552 Freedom of Information Act

Date Filed: 04/27/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**NATIONAL LAW CENTER ON
HOMELESSNESS & POVERTY**

represented by **Patrick D. Llewellyn**
PUBLIC CITIZEN LITIGATION
GROUP
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ATTORNEY TO BE NOTICED

Rebecca H. Smullin
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ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
HOUSING AND URBAN
DEVELOPMENT**

represented by **Scott Leeson Sroka**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 04/27/2018 | <u>1</u> | COMPLAINT against UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Filing fee \$ 400 receipt number 0090-5447075) filed by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to the U.S. Attorney, # <u>3</u> Summons to the Attorney General, # <u>4</u> Summons to the United States Department of Housing and Urban Development)(Smullin, Rebecca) (Entered: 04/27/2018) |
| 04/27/2018 | <u>2</u> | Corporate Disclosure Statement by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Smullin, Rebecca) (Entered: 04/27/2018) |
| 05/01/2018 | | Case Assigned to Judge Amit P. Mehta. (zsb) (Entered: 05/01/2018) |
| 05/01/2018 | <u>3</u> | SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 05/01/2018) |

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| 05/01/2018 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/1/2018. Answer due for ALL FEDERAL DEFENDANTS by 5/31/2018. (Smullin, Rebecca) (Entered: 05/01/2018) |
| 05/04/2018 | <u>5</u> | NOTICE of Appearance by Scott Leeson Sroka on behalf of All Defendants (Sroka, Scott) (Entered: 05/04/2018) |
| 05/11/2018 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/7/2018. (Smullin, Rebecca) (Entered: 05/11/2018) |
| 05/31/2018 | <u>7</u> | ANSWER to Complaint by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.(Sroka, Scott) (Entered: 05/31/2018) |
| 05/31/2018 | <u>8</u> | ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before June 14, 2018. Please see the attached Order for additional details. Signed by Judge Amit P. Mehta on 05/31/2018. (lcapm1) (Entered: 05/31/2018) |
| 05/31/2018 | | Set/Reset Deadlines: Joint Status Report due by 6/14/2018. (zjd) (Entered: 06/01/2018) |
| 06/14/2018 | <u>9</u> | Joint STATUS REPORT by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Smullin, Rebecca) (Entered: 06/14/2018) |
| 06/15/2018 | | MINUTE ORDER. The parties shall file a further Joint Status Report no later than July 25, 2018, updating the court on whether summary judgment will be required in this matter and, if so, proposing a briefing schedule. The court assumes that in advance of the next Joint Status Report, the parties shall meet and confer about the requests made by Plaintiff in the final paragraph of the parties' <u>9</u> June 14, 2018, Joint Status Report. Signed by Judge Amit P. Mehta on 06/15/2018. (lcapm1) (Entered: 06/15/2018) |
| 06/15/2018 | | Set/Reset Deadlines: Joint Status Report due by 7/25/2018. (zjd) (Entered: 06/18/2018) |
| 07/25/2018 | <u>10</u> | Joint STATUS REPORT by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Smullin, Rebecca) (Entered: 07/25/2018) |
| 07/26/2018 | | MINUTE ORDER. Upon consideration of the parties' <u>10</u> Joint Status Report, the parties are directed to file another Joint Status Report, on or before August 27, 2018, that updates the court on their progress and, if necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 07/26/2018. (lcapm1) (Entered: 07/26/2018) |
| 07/26/2018 | | Set/Reset Deadlines: Joint Status Report due by 8/27/2018. (zjd) (Entered: 07/27/2018) |
| 08/27/2018 | <u>11</u> | Joint STATUS REPORT by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Smullin, Rebecca) (Entered: 08/27/2018) |
| 08/28/2018 | | MINUTE ORDER. Upon consideration of the parties' <u>11</u> Joint Status Report, the parties are directed to file another Joint Status Report, on or before October 5, 2018, that updates the court on their progress and, if necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 08/28/2018. (lcapm1) (Entered: 08/28/2018) |
| 08/28/2018 | | Set/Reset Deadlines: Joint Status Report due by 10/5/2018. (zjd) (Entered: 08/28/2018) |
| 10/05/2018 | <u>12</u> | Joint STATUS REPORT by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Smullin, Rebecca) (Entered: 10/05/2018) |
| 10/05/2018 | <u>13</u> | ORDER entering the briefing schedule proposed in the parties' <u>12</u> Joint Status Report. The schedule for further proceedings in this matter is as follows: (1) Defendant's Motion for Summary Judgment is due on or before November 5, 2018; (2) Plaintiff's Opposition to Defendant's Motion and any Cross-Motion for Summary Judgment is due on or before December 5, 2018; (3) Defendant's Reply and Opposition to Plaintiff's Cross-Motion is due on or before December 21, 2018; and (4) Plaintiff's Reply is due on or before January 18, 2019. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 10/05/2018. (lcapm1) (Entered: 10/05/2018) |

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| 10/05/2018 | | Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 11/5/2018. Plaintiff's Opposition and Cross-Motion for Summary Judgment due by 12/5/2018. Defendant's Reply and Opposition due by 12/21/2018. Plaintiff's Reply due by 1/18/2019. (zjd) (Entered: 10/09/2018) |
| 11/07/2018 | <u>14</u> | MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Sroka, Scott) (Entered: 11/07/2018) |
| 11/08/2018 | <u>15</u> | Memorandum in opposition to re <u>14</u> MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> filed by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Attachments: # <u>1</u> Text of Proposed Order)(Smullin, Rebecca) (Entered: 11/08/2018) |
| 11/08/2018 | | MINUTE ORDER granting in part and denying in part <u>14</u> Defendant's Motion for Extension of Time to File Motion for Summary Judgment. Defendant shall file its Motion for Summary Judgment no later than November 28, 2018. No extensions will be granted absent extraordinary circumstances. Signed by Judge Amit P. Mehta on 11/08/2018. (lcapm1) (Entered: 11/08/2018) |
| 11/08/2018 | | Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 11/28/2018. (zjd) (Entered: 11/08/2018) |
| 11/16/2018 | <u>16</u> | Joint MOTION to Modify <i>Reset Briefing Schedule</i> by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY (Attachments: # <u>1</u> Text of Proposed Order)(Smullin, Rebecca) Modified event title on 11/27/2018 (znmw). (Entered: 11/16/2018) |
| 11/19/2018 | | MINUTE ORDER granting the parties' <u>16</u> Joint Motion to Reset Briefing Schedule. This court orders that Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment shall now be filed on or before January 11, 2019; Defendant's Reply in Support of Motion for Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment shall be now filed on or before February 1, 2019; and Plaintiff's Reply in Support of Cross-Motion for Summary Judgment shall now be filed on or before February 22, 2019. Signed by Judge Amit P. Mehta on 11/19/2018. (lcapm1) (Entered: 11/19/2018) |
| 11/19/2018 | | Set/Reset Deadlines: Plaintiff's Cross-Motion for Summary Judgment and Opposition due by 1/11/2019. Defendant's Reply and Opposition due by 2/1/2019. Plaintiff's Reply due by 2/22/2019. (zjd) (Entered: 11/21/2018) |
| 11/28/2018 | <u>17</u> | WITHDRAWN PURSUANT TO MINUTE ORDER FILED 3/22/2019.....MOTION for Summary Judgment <i>and Supporting Memorandum</i> by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # <u>1</u> Statement of Facts and Proposed Order, # <u>2</u> Declaration of Norman A. Suchar, # <u>3</u> Exhibit A-D)(Sroka, Scott) Modified on 3/25/2019 (zjd). (Entered: 11/28/2018) |
| 12/06/2018 | <u>18</u> | NOTICE of Appearance by Patrick D. Llewellyn on behalf of NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY (Llewellyn, Patrick) (Entered: 12/06/2018) |
| 01/11/2019 | <u>19</u> | WITHDRAWN PURSUANT TO MINUTE ORDER FILED 3/22/2019.....Cross MOTION for Summary Judgment by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY (Attachments: # <u>1</u> Declaration of Eric S. Tars, # <u>2</u> Declaration of Rebecca Smullin, # <u>3</u> Text of Proposed Order)(Smullin, Rebecca) Modified on 3/25/2019 (zjd). (Entered: 01/11/2019) |
| 01/11/2019 | <u>20</u> | Memorandum in opposition to re <u>17</u> MOTION for Summary Judgment <i>and Supporting Memorandum</i> filed by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Attachments: # <u>1</u> Declaration of Eric S. Tars, # <u>2</u> Declaration of Rebecca Smullin, # <u>3</u> Text of Proposed Order)(Smullin, Rebecca) (Entered: 01/11/2019) |
| 02/01/2019 | <u>21</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>19</u> Cross MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Sroka, Scott). Added MOTION to Modify on 2/4/2019 (znmw). (Entered: 02/01/2019) |

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| 02/04/2019 | | MINUTE ORDER granting <u>21</u> Defendant's Consent Motion for Extension of Time and Modification of Briefing Schedule. Defendant's Reply and Opposition shall be due on or before February 22, 2019 and Plaintiff's Reply shall be due on or before March 15, 2019. Signed by Judge Amit P. Mehta on 02/04/2019. (lcapm1) (Entered: 02/04/2019) |
| 02/04/2019 | | Set/Reset Deadlines: Defendant's Reply and Opposition due by 2/22/2019. Plaintiff's Reply due by 3/15/2019. (zjd) (Entered: 02/06/2019) |
| 02/22/2019 | <u>22</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>19</u> Cross MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Sroka, Scott) (Entered: 02/22/2019) |
| 02/22/2019 | | MINUTE ORDER granting <u>22</u> Defendant's Consent Motion for Extension of Time and Modification of Briefing Schedule. Defendant's Reply and Opposition shall now be due on or before March 4, 2019; Plaintiff's Reply shall now be due on or before March 25, 2019. Signed by Judge Amit P. Mehta on 02/22/2019. (lcapm1) (Entered: 02/22/2019) |
| 03/04/2019 | <u>23</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>19</u> Cross MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Sroka, Scott). Added MOTION to Modify on 3/5/2019 (znmw). (Entered: 03/04/2019) |
| 03/05/2019 | <u>24</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>19</u> Cross MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Sroka, Scott) (Entered: 03/05/2019) |
| 03/06/2019 | | MINUTE ORDER finding as moot <u>23</u> Defendant's March 4, 2019, Consent Motion for Extension of Time and Modification of Briefing Schedule and granting <u>24</u> Defendant's March 5, 2019, Consent Motion for Extension of Time and Modification of Briefing Schedule. Defendant's Reply and Opposition shall be due on or before March 12, 2019, and Plaintiff's Reply shall be due on or before April 2, 2019. Signed by Judge Amit P. Mehta on 03/06/2019. (lcapm1) (Entered: 03/06/2019) |
| 03/06/2019 | | Set/Reset Deadlines: Defendant's Reply and Opposition due by 3/12/2019. Plaintiff's Reply due by 4/2/2019. (zjd) (Entered: 03/10/2019) |
| 03/12/2019 | <u>25</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>19</u> Cross MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Sroka, Scott) (Entered: 03/12/2019) |
| 03/12/2019 | | MINUTE ORDER granting <u>25</u> Defendant's Consent Motion for Extension of Time and Modification of Briefing Schedule. Defendant's Reply and Opposition shall now be due on or before March 22, 2019, and Plaintiff's Reply shall now be due on or before April 12, 2019. Signed by Judge Amit P. Mehta on 03/12/2019. (lcapm1) (Entered: 03/12/2019) |
| 03/12/2019 | | Set/Reset Deadlines: Defendant's Reply and Opposition due by 3/22/2019. Plaintiff's Reply due by 4/12/2019. (zjd) (Entered: 03/21/2019) |
| 03/22/2019 | <u>26</u> | Joint MOTION to Withdraw <u>17</u> MOTION for Summary Judgment <i>and Supporting Memorandum</i> , by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY (Attachments: # <u>1</u> Text of Proposed Order)(Smullin, Rebecca) Modified on 3/22/2019 to correct docket link (jf). (Entered: 03/22/2019) |
| 03/22/2019 | <u>27</u> | Joint STATUS REPORT by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Smullin, Rebecca) (Entered: 03/22/2019) |
| 03/22/2019 | | MINUTE ORDER granting the parties' <u>26</u> Joint Motion to Withdraw Cross Motions for Summary Judgment. The clerk of court shall remove ECF Nos. 17 and 19 as pending motions. Signed by Judge Amit P. Mehta on 03/22/2019. (lcapm1) (Entered: 03/22/2019) |
| 03/22/2019 | | MINUTE ORDER. The parties shall file a Joint Status Report by April 24, 2019, which advises whether they have resolved this matter. If further litigation will be required, the parties shall propose a briefing schedule. Signed by Judge Amit P. Mehta on 03/22/2019. (lcapm1) (Entered: 03/22/2019) |

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| 03/22/2019 | | Set/Reset Deadlines: Joint Status Report and Proposed Briefing Schedule due by 4/24/2019. (zjd) (Entered: 03/25/2019) |
| 04/24/2019 | <u>28</u> | Joint STATUS REPORT by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Attachments: # <u>1</u> Text of Proposed Order)(Smullin, Rebecca) (Entered: 04/24/2019) |
| 04/25/2019 | | MINUTE ORDER. No later than May 24, 2019, the parties shall file a joint stipulation of dismissal or plaintiff shall file its petition for an award of attorneys' fees and costs. Signed by Judge Amit P. Mehta on 04/25/2019. (lcapm1) (Entered: 04/25/2019) |
| 04/25/2019 | | Set/Reset Deadlines: Joint Stipulation of Dismissal or Plaintiff's Petition for Attorneys' Fees and Costs due by 5/24/2019. (zjd) (Entered: 04/25/2019) |
| 05/23/2019 | <u>29</u> | STIPULATION OF SETTLEMENT AND DISMISSAL by NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY. (Smullin, Rebecca) (Entered: 05/23/2019) |